IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O.NO. 2143 OF 2002
Date of decision:18th November, 2010

Tarawati wife of Partap Singh(mother of the deceased Dharampal) and another

.....Appellants

Versus

Shamsher and others

.....Respondents

BEFORE: HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. Sandeep Kotla, Advocate,
for the appellants.

Mr R.C.Gupta, Advocate,
for the Insurance Company.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not?Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

K.Kannan, J.(Oral)

1. The appeal for enhancement of compensation is at the instance of the claimants who were mother and the father. The Tribunal took the income of the deceased as Rs. 2,400/- per month, provided for an extent of dependence 1/3rd of his income as Rs. 800/- per month and adopted a multiplier of 15. It found loss of dependency at Rs. 1,44,000/-, it added Rs. 11,000/- for medical expenses and provided for additional amount of Rs. 8,000/- towards transportation and funeral expenses.

Having regard to the fact that the income was less than Rs. 3,40,000/- I would apply the scale of compensation under Section 2 of the Motor Vehicles Act.

FATAL ACCIDENTS			
Age	22 years		
Occupation	Driver/Agriculturist		
Claimants	Mother and Father		
	Heads of claim	**Tribunal**	**High Court**
Sr. No.		**Amount(Rs)**	**Amount(Rs)**
1	**Income**	2400	2400
2	**Add, % Increase 30% / 50%**		
3	**Average monthly income x 12**		
4	**Deduction ½, 1/3, ¼, 1//5, 2/3**	2/3rd	1/3rd
5	**Multiplicand**	800 x 12	1600 x 12
6	**Multiplier**	15	17
7	**Loss of dependence**	1,44,000	3,26,400
8	**Medical expenses**	11000	11000
9	**Loss of consortium**	---	.....
10	**Loss to estate**	---	2500
11	**Funeral Expenses**	8000	2000
Total		Rs. 1,63,000/-	3,41,900

The amount in excess over what has already been awarded by the Tribunal will bear interest at 6% form the date of the petition till the date of payment. The appeal is allowed to the above extent.

[K.KANNAN]
JUDGE

18th November, 2010
Shivani Kaushik